

REMARKS

In response to the Restriction Requirement mailed June 4, 2007, Applicant hereby elects the invention of Group I, claims 1-3 and 10, drawn to a compound of Formula I for further prosecution in this Application. For the provisional election of species, Applicant elects the compound of claim 2, being the compound (2*S*)-2-ethoxy-3-[4-(2-{4-[(methylsulfonyl)oxy]phenoxy}ethyl)phenyl]propanoic acid. Claims 1, 2, 3 and 10 are readable on the elected species, and method claims 4 and 6 encompass a method for using the elected species and process claim 8 encompasses a process for making the elected species. It is understood that this is a provisional election of species, and that if this species is found allowable the genus claim will be examined and if allowable, all species within the scope of such genus claim will be examined in this application.

The Examiner has required restriction between product and process claims (process of making and/or using the product). Specifically, the Examiner has required restriction between product claims 1-3 and 10 (elected Group I), process of making the product of claim 1 (claim 8 in Group V) and process of using the product of claim 1 (method claims 4 and 6 in Group III). Where applicant elects claims directed to the product (as above), and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise have all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP § 821.04 and § 821.04(b). Moreover, the Examiner is reminded that process claims that depend from or otherwise include all the limitations of the patentable product claim will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Accordingly, process claims 4, 6 and 8, which meet the above requirements, remain in this case designated as "withdrawn," and it is understood that they will be rejoined in this application upon allowance of claim 1 or other allowed product claim upon which they are dependent.

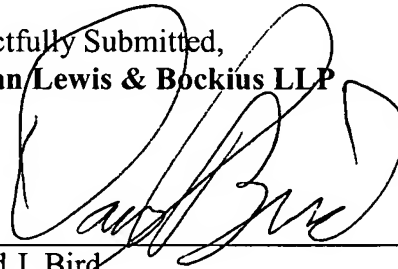
Claim Amendments

It is respectfully requested that the above amendments be entered before making a first Action on the merits. These amendments are being made to effect the above election and to address other formal matters. Thus, non-elected claims 5, 7 and 9 have been cancelled and

non-elected method claims 4 and 6 and process claim 8 have been amended in minor formal respects and designated as "withdrawn" so as to place them in condition for rejoinder upon allowance of the elected compound claims. Elected dependent claims 2 and 3 have been amended in minor formal respects. Inasmuch as the claims are being amended to be consistent with the election and to address other minor formal matters, and no new matter has been added, entry of these amendments is believed to be in order and is respectfully requested. Following entry of these amendments claims 1, 2, 3 and 10 remain pending in this application, and claims 4, 6 and 8 have been maintained and designated as withdrawn.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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